

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NICHOLAS A. LONG,

Plaintiffs,

v.

COUNTY OF ORLEANS,
ORLEANS COUNTY SHERIFF'S DEPARTMENT,
SHERIFF RANDY BOWER,
UNDERSHERIFF CHRISTOPHER M. BOURKE,

Civ. No.:

Defendants.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1446, Defendants County of Orleans, Orleans County Sheriff's Department, Sheriff Randy Bower and Undersheriff Christopher M. Bourke ("Orleans County Defendants"), hereby remove the action pending in the State of New York, County of Orleans, entitled NICHOLAS A. LONG v. ORLEANS COUNTY, ORLEANS COUNTY SHERIFF'S DEPARTMENT, SHERIFF RANDY BOWER and UNDERSHERIFF CHRISTOPHER M. BOURKE, Index No. 18-44801, to the United States District Court, Western District of New York, and that this Notice of Removal, together with a copy of all process, pleadings, and orders, have been filed in the Office of the United States District Court for the Western District of New York.

The grounds for removal are as follows:

1. On or about September 28, 2018, the Plaintiff commenced an action against the Orleans County Defendants in the State of New York, County of Orleans, identification number 18-44801, with the above caption, by the filing of a Summons and Complaint. The Summons and Complaint were served on the Orleans County Defendants. Copies of the Summons and Complaint are annexed as Exhibit A. Less than thirty (30) days have passed since receipt of the Summons and Complaint by the Orleans County Defendants. No further proceedings have been had herein.

2. Plaintiffs' complaint alleges that Defendants violated Plaintiff's civil rights and therefore brings a claim pursuant to 42 U.S.C. § 1983.

3. As the complaint is a civil action arising under the Constitution, laws or treaties of the United States, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

4. This Court has supplemental jurisdiction over the claims asserted pursuant to 28 U.S.C. 1367, because those claims form part of the same case or controversy as Plaintiffs' claim under 42 U.S.C. § 1983.

5. This action is removable to this Court pursuant to 28 U.S.C. § 1441.

6. Pursuant to 28 U.S.C. § 1446, not more than thirty (30) days have elapsed since Defendants received Plaintiffs' summons and complaint. Written notice of the filing of this notice of removal, along with all attachments hereto, has been provided to Plaintiff's attorney. The written notice of filing and a copy of this notice of removal will be filed with the Clerk of the Supreme Court of the County of Orleans contemporaneously with the filing in this Court.

WHEREFORE, the Orleans County Defendants request that the action now pending against it in the State of New York, County of Orleans, be removed to this Court.

DATED: October 17, 2018

WEBSTER SZANYI LLP

Attorneys for Defendants
County of Orleans, Orleans County Sheriff's
Department, Sheriff Randy Bower and
Undersheriff Christopher M. Bourke

By: *s/ Michael P. McClaren*
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INDEX OF DOCUMENTS FILED WITH STATE COURT

Exhibit A	Summons and Complaint Filed September 28, 2018 with Orleans County Clerk
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